

Perry Township Board of Trustees

Regular Meeting

October 18, 2022 7:00 pm

Call to Order/ Pledge of Allegiance:

Welcome/Invited Guests

Excused Absence:

John Masalko ~ Road Superintendent
Chris Young ~ Assistant Superintendent

Public Hearings/Invited Guests:

Communications:/Announcements

1. Perry Township Trick or Treat Hours Sunday, October 30th from 3:00 pm to 5:00 pm

Public Speaks on Agenda items up for Action:

Unfinished Business

Department Agenda Items (Information/Action Items)

Administration:

Consider appointing Chris Young to Foreman's position

Administrator Martin stated to the Board that as of October 7, 2022, the Road Department will be transitioning Chris Young to the Foreman's position under the bargaining agreement to avoid issues with the snow and ice operation with our union rank and file. His duties will remain the same as they were when he was assistant road superintendent. His pay rate will be the wage set forth in the contract of \$26.71 an hour. This will avoid any issues with him running equipment and operating a snow plow.

Trustee Nelligan made a motion to accept transitioning Chris Young to the Foreman's position under the bargaining agreement to avoid issues with the snow and ice operation with our union rank and file
Seconded by Trustee DeChiara.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Consider approving Gov Deals online auction

Administrator Martin stated the Department heads have identified items to be of no value to the township's current operations. The Department Heads are seeking approval from the Board to place the proposed items on the township's Digital Auction site, Gov Deals. At the conclusion of the auction, the Board will be provided with the income of the successfully sold items. The appropriate communications have been advertised for all auction items via;

- Ad in the Canton Repository
- GovDeals link advertised on our township website

Trustee Nelligan made a motion to accept the Gov Deals for the sale of no-value items. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Consider approving the CLOUT renewal for 2023

Administrator Martin stated the Board has received an invoice from OTA (Ohio Township Association Risk Management Authority) concerning the opportunity to renew the CLOUT Membership. The acronym CLOUT stands for Coalition of Large Ohio Urban Townships. In order to renew the Township's membership, we would need to submit our application online in the amount of \$200.00. Payable to Ohio Township Association – CLOUT by January 14, 2023.

Trustee Nelligan made a motion to consider the invoice from OTA (Ohio Township Association Risk Management Authority) concerning the opportunity to renew the CLOUT Membership in order to renew the Township's membership in the amount of \$200.00. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Resolution 2022-

Consider Stark Tusc Wayne Solid Waste Management District's Amended Plan

Administrator Martin stated our community benefits from the recycling programs outlined in the Stark Tuscarawas Wayne Joint Solid Waste Management District Plan. In order to continue participating in their existing programs, the legislative authorities of each municipal corporation and township in the district must review and approve or disapprove the 2022 Draft Solid Waste Management Plan by ordinance. If the Board so chooses to support the resolution and continue enjoying the benefits and partnership with STW Solid Waste District, the Administrator will then forward the completed resolution to Mr. David Held.

The district determines that the Plan has been ratified when a combination of municipal corporations and townships with a combined population comprising 60 percent of the district has approved the Plan. That combination must include the approval of the County Commissioners and the municipal corporation having the largest population within the county of the district. Administrator Martin asked the Board to please consider the attached resolution in order to continue the partnership and benefits provided to us by STW Solid Joint Waste Management District.

Trustee Nelligan made a motion to continue the partnership and benefits provided to us by STW Solid Joint Waste Management District. Seconded by Trustee DeChiara.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Resolution 2022-

Consider approving SCOG 5-year LFG Alternative Funding Formula Agreement 2023-2027

Fiscal Officer Chessler reported to the Board that SCOGG – Stark Council of Governments provides a monthly distribution from the State of Ohio’s Undivided Local Government Fund. On September 6th, 2022 the new Proposed Formula was unanimously approved and sent to SCOG members for their consideration and approval. Fiscal Officer Chessler shared a brief report on the new alternative method for apportioning the Stark County Undivided Local Government fund for 2023 through 2027.

Trustee Nelligan made a motion to accept the SCOG 5-year LFG Alternative Funding Formula Agreement 2023-2022. Seconded by Trustee DeChiara.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Consider FMLA for Employee

Administrator Martin asked the Board to consider leave for Employee A under FMLA.

Trustee Nelligan made a motion to accept FMLA for Employee A. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Road Department:

Additional status update on the 2022 Paving Program

Superintendent Masalko gave a status update on the 2022 Paving Program. Superintendent Masalko reached out to the Shelly Paving Company which will be doing the paving this year. Superintendent Masalko reported that the following roads are completed. Nave St., Mason St., Floral St., Stardale S.W., Haag S.W., Jackson S.W, King St., Eddie St., Mulheim Ave.

Park Department:

Zoning:

Police Department:

Consider McKinley Eagles donation for Trick or Treat candy in the amount of \$500.00

Acting Police Chief Guist is requesting that the Board of Trustees accept the donation from the McKinley Eagles for trick-or-treat candy. The total donation amount was \$500.00.

Trustee Nelligan made a motion to accept the donation from the McKinley Eagles for trick-or-treat candy. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Consider approval of exterior and interior lighting project quote in the amount of \$15,853.83

Acting Police Chief Guist stated the Police Department is asking the Board of Trustees to accept and approve the estimate from Dave Riggs Construction for the work needed to be done at the Department

in the amount of \$15,853.83. The Police Department had received an estimate from Dave Riggs Construction for the work to be done for the exterior and interior lighting. Included in the estimate were fixing damaged gutter floor tiles in the lower foyer, replacing stained or missing drop ceiling tile, and fixing or replacing damaged soffits. The estimate includes the materials, labor, the appropriate equipment, cleaning up, and hauling away debris. Other estimates were attempted but did not follow through. The lighting in the parking lot and other repairs needed constitutes a safety hazard for the employees and residents using our facility.

Trustee Nelligan made a motion to approve the estimate from Dave Riggs Construction of exterior and interior lighting project needed to be done at the Department in the amount of \$15,853.83. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Fire Department:

Consider the resignation of part-time firefighter Ryan Hendershot

Chief Sedlock asked the Board to consider the resignation of part-time firefighter and EMT, Ryan Hendershot. His effective date will be October 31, 2022.

Trustee Nelligan made a motion to accept the resignation of part-time firefighter and EMT, Ryan Hendershot. His effective date will be October 31, 2022. Seconded by Trustee DeChiara.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Law Director:

Law Director Mathews spoke on the JEDD briefly. He felt it was time sensitive. Law Director Mathews stated that Trustee DeChiara had some proposed modifications to the draft JEDD agreement, that primarily relate to some of the tax distribution features as well as a protective measure against the prospective of any territory. It is his understanding the city may be reluctant to negotiate any further along these items, but it is good that Trustee DeChiara spent some time and has some input. To avoid having this become a predicament where the city walks away from the agreement, his suggestion would be that the Board set a public hearing on the current version. This would provide some time for further communication with the City of Canton on Trustee DeChiara's points and frankly on any other points that the Board may have. In that month between now and the scheduling of the public hearing, we can get feedback from the City of Canton if there is any room for negotiation. If there is not, the Township would simply proceed with the public hearing on the version that is proposed. If there are some modifications, those can be addressed at the hearing and incorporated. Trustee Nelligan commented to Law Director Mathews, that this would not slow down the process. Law Director Mathews stated that this would show a good gesture to the City of Canton that Perry Township is serious about getting this accomplished and you would not want to communicate a few proposed changes to the agreement but rather push this out further. He feels we should proceed with the scheduling of the public hearing. If Board wanted to do this on a regular meeting scheduled, because November works out to be odd, it would be the first meeting in December to push it out 30 days. You can either do it earlier at 6:00 pm public meeting or 6:30 pm or incorporate it into the regular meeting. You could just pause it for whatever time you would want to schedule it and take public comments. Trustee DeChiara asked Law

Director Mathews if all JEDD approvals have to be an anonymous vote. They do not, stated Law Director Mathews it just must simply have to be approved by both public entities.

Law Director Mathews indicated that it is not contiguous and there were some revisions to the code a while back. Law Director Mathews confirmed that The Timken Company still does own this property. Trustee DeChiara asked if The Timken Company is still interested in the JEDD. Law Director Mathews stated that The Timken Company has already provided a petition to join the JEDD. Trustee DeChiara asked if we could have a discussion with The Timken Company and Law Director Mathews stated he didn't disagree and that we could certainly communicate the proposed changes that you have. Trustee DeChiara feels it needs to be fair on both sides of the JEDD.

Law Director Mathews indicated that by the time of your public hearing you certainly would have feedback from the city as well as from The Timken Company on whether or not the additional terms are a yes or no or an absolute no or whatever the case may be. Then you will have your hearing which will be an opportunity to have public input on the terms of the original agreement. Trustee Miller asked if any edits would go then into another public hearing. Law Director Mathews stated that any proposed revisions can be considered at the public hearing. There would not be another cycle of public hearings. He also indicated that the City of Canton already has a meeting scheduled for November 14th. They would be considering the current version as proposed and they would have the opportunity to, also at that time, take that input on the suggestions Perry Township has. You will know if they would approve your version or not.

Trustee DeChiara stated that we could form this JEDD with Massillon City if we cannot reach an agreement with the City of Canton and we could form a JEDD with Massillon city in the same area. Law Director Mathews indicated you could do this hypothetically, but right now there is actually a solid proposal with the City of Canton. Trustee DeChiara just wanted to know the options. Law Director Mathews stated it will come down to, if the city bulks at some of the additions, whether there are provisions that are projective enough that the township would make it worthwhile.

Law Director Mathews indicated if the township is inclined to go that route, then he suggests making a motion to schedule these public hearings for December 6, 2022, and take the time for either for or during the meeting. Law Director Mathews provided a draft resolution and notice. Copies of this current version of the JEDD are available for the public for their inspection if they want to see it.

Trustee Nelligan made a motion to set the public hearing for the JEDD on December 6, 2022, at 6:30 pm. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Fiscal Officer:

Consider Pending Warrants

Fiscal Officer Chessler stated the following pending warrants for week ending 10-4-22 for bills/payroll in the amount of \$207,736.60 and week ending 10-11-22 for bills in the amount of \$126,957.43 for a combined total of \$334,694.03.

Trustee Nelligan made a motion to approve the pending warrants Week ending 10-4-22 for bills/payroll in the amount of \$207,736.60 and week ending 10-11-22 for bills in the amount of \$126,957.43 for a combined total of \$334,694.03. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Resolution 2022-

Consider a resolution to accept tax rates for 2023

Fiscal Officer Chessler stated he received from the Stark County Auditor's Office the proposed tax rates and expected tax money generated for the upcoming year. Based on the townships inside millage and the voted millage and a spreadsheet to show the set forth figures, there was also a proposed model resolution for the Board to consider for adoption. He consulted with Mr. Mathews and believes that is correct as to its form and sufficiency and would ask the Board to approve that resolution.

Trustee Nelligan made a motion to accept the resolution for the tax rates for 2023.
Seconded by Trustee DeChiara.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Consider the appointment of Lisa Bray as a fiscal office assistant and the adjustment of compensation for the assistant fiscal officer.

Fiscal Officer Chessler wanted to put into the record that pursuant to the revised code section 507.021 the Fiscal Officer may hire and appoint one or more persons as an assistant if it is found necessary to provide assistance to the township Fiscal Officer. He stated that the Board is aware of some developments over the recent months with his assistant that required him to seek additional help in many of the routine tasks of his office. There was an employee already employed by the township, Lisa Bray, who became familiar with the tasks of the fiscal office. Fiscal Officer Chessler decided to make the appointment of Lisa Bray as an assistant fiscal officer. Pursuant to revised code 507.021 which says the township Fiscal Officer may set the compensation and he will do that at the rate of \$22.50 per hour and also adjust the compensation of the Deputy Fiscal Officer, Cindy Seybold, to \$25.00 per hour. That will be effective for both employees as of September 19, 2022.

Trustee DeChiara asked that early this summer the Board had an executive session discussing hiring a person that would work in the Fiscal Office. Trustee DeChiara wanted to know if this person now will be solely working for the Fiscal Office. Fiscal Officer Chessler's answered that is correct. Trustee DeChiara asked that they will not be shared with the other departments. When the Administrative Assistant or Zoning Department is unavailable then, yes that is correct. Fiscal Officer Chessler stated, however, since that time, the Administrative Office hired Tina DeSimone for those duties replacing Lisa Bray. During the process of trying to develop a job description of various job duties of the fiscal office, and the administrative office, it was not workable for one person to do all the required duties and share responsibilities between two appointed authorities so the Board went ahead and hired an administrative assistant. With that Fiscal Officer Chessler felt that Lisa Bray was the ideal person to do the job responsibilities that the Fiscal Officer came up with in the job description.

Trustee DeChiara asked if we were further ahead. Fiscal Officer Chessler stated he felt that we are miles ahead, especially in his office. Trustee DeChiara asked about the current wages of Lisa Bray and Cindy Seybold. At that time Fiscal Officer Chessler did not know.

Trustee DeChiara directed his comment to Trustee Nelligan in stating he understood that Fiscal Officer Chessler did have the authority to hire a new employee but Trustee DeChiara felt he did not want to change wages at this time of the year. Trustee Nelligan gave Trustee DeChiara the wages for Cindy Seybold at \$21.01. Then Trustee DeChiara asked if it will then be going to \$25.00. Fiscal Officer Chessler stated to Trustee DeChiara that Ms. Seybold has done an amazing job and has handled additional duties that have come along with the accounting system and payroll. Fiscal Officer Chessler stated that the new administrative assistant was hired at \$21.50 and thought it was only fair for the person who has been here for a year and has that experience to be paid at least \$1.00 an hour more so this is why he set the wage for Lisa Bray at \$22.50. And then in Cindy's position and all she does is a fair and reasonable amount for the increase in her wage. Trustee DeChiara stated that he understands but does not want the Department Heads' administrative assistants to have increases in the middle of the stream.

Fiscal Officer Chessler felt that this issue did not need to be voted on, he only wanted it as an agenda item to put it on the record and not to seek approval. Fiscal Officer Chessler read the revised code 507.021 to the Board. He indicated that at the next budget meeting this can be approved at that time.

Trustee Miller stated to the Board that he does understand Fiscal Officer Chessler's decision and stated that this has been developing since last July. Trustee Miller stated there have been at least 2 attempts to talk about this position from what was originally discussed to where we are currently, which are two very significant different things. That while understanding the Fiscal Officer to do so, where we are now and the skill set, we were not able to get together on that. Fiscal Officer Chessler stated he had passed around a proposed job description that had a high rate of duties and stated he never received any response at all for that position. He was not aware of the Boards efforts to bring on Administrative Assistant Tina DeSimone. Fiscal Officer Chessler felt that duties he needed and to have someone in promptly in the fiscal office, took precedence and identified Lisa Bray as the one who was all the way down the road in having the skills necessary to assist the fiscal office. She was willing to take the position and it was a perfect fit.

Trustee Miller indicated that the response to the email was an executive session on the following meeting to include all of the Board again to revisit the hiring of an assistant in the fiscal office. Fiscal Officer Chessler indicated he never received that response.

Board of Trustees Updates –

Trustee Miller stated an update on the Stark County Regional Planning that put together a master plan for the township. We had a visit approximately a month and a half ago. They provided us with a comprehensive plan from which proposed a scope of work that we could add or delete from. They emailed a proposed cost and the next step is waiting on a contract from the Stark County Regional Planning to review and approve or make revisions.

Problem Properties:

Executive Session(s):

1. ORC 121.22 (G) (1) to discuss fire department personnel topics to include the Board, and Law Director
2. ORC 121.22 (G) (1) to discuss compensation of personnel to include the Board, Law Director, and Administrator
3. ORC 121.22 (G) (1) to discuss the investigation of personnel to include the Board, Law Director and Administrator, and Acting Police Chief
4. ORC 121.11 (G)(1) to discuss hiring to include the Board, Law Director, and Administrator

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

The Board adjourned into Executive Session at 7:38 pm

The Board adjourned from Executive Session at 9:23 pm

Department Matters Not Requiring Board Action:

Administration:

Fire Department:

Police Department:

Road Department:

Parks/Recycling:

Zoning:

Law Director:

Announcements:

Public Speaks-Open Forum:

Adjournment:

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 9:28 pm; Seconded by Trustee

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Lisa Nelligan, President

Craig Chessler, Fiscal Officer